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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,063	08/15/2001	Tadayuki Kameyama	020527	8898
38834	7590	08/10/2005	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			KENNEDY, JENNIFER M	
			ART UNIT	PAPER NUMBER
			2812	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

09/929,063

Applicant(s)

KAMEYAMA ET AL.

Examiner

Jennifer M. Kennedy

Art Unit

2812

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 19, 21-23, 25 and 26 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☒ Claim(s) 1-9, 15, 16 and 21-23 is/are allowed.
 6) ☒ Claim(s) 10-12, 14, 19, 25 26 is/are rejected.
 7) ☒ Claim(s) 13 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

In view of Applicants' amendment to the claim, the objection of claim 25 is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 12, 14, 19, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mikura et al. (U.S. Patent No. 5,880,800).

In re claim 10, Mikura et al. disclose polarizing film (21), an adhesive layer, and a separator (4) comprising a polymer material-containing layer having a polymer material migration prevention layer (32) provided thereon wherein the polymer material migration preventing layer is provided on the side of the polymer material-containing layer (4) that faces the adhesive layer.

The examiner again notes that any layer could be considered a migration prevention film since it just a matter of naming a film, further the examiner notes that any layer would provide an amount of migration prevention over no intermediate layer being present at all.

Mikura et al. does not disclose that the method is used for a absorption type polarizing film. The examiner takes official notice of facts outside the record which are capable of instant and unquestionable demonstration as being "well-known" in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made utilize the method with a absorption type polarizing film since absorption type polarizing films are well known in the art and because the method of Mikura et al. would be applicable in absorption type polarizing films as well to allow for release of the separator layer.

In re claims 12 and 14, Mikura et al also discloses the method wherein the migration prevention layer is a silica film and is a silicone agent (see column 11, lines 40-45).

In re claims 19 and 25-26, Mikura et al. also disclose the method wherein the polymer material-containing layer is disposed directly on the migration preventing layer, and wherein a release agent is further provided on the polymer material-containing layer of the separator (see column 11, lines 40-46).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mikura et al. (U.S. Patent No. 5,880,800) in view of Kim et al. (U.S. Patent No. 6,153,272).

Mikura et al. discloses the polarizer substantially as claimed and rejected above, but does not disclose that the polymer layer is purified. Kim et al. discloses the method of forming a purified polymer layer (see column 8, lines 54-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the

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polymer layer of Asano of a purified polymer of Kim et al. in order to create a highly stable liquid crystal cell (see Kim et al. column 2, lines 13-32).

Alternatively, in another interpretation, In re claim 10, Mikura et al. disclose polarizing film (21), an adhesive layer, and a separator (4) comprising a polymer material-containing layer having a polymer material migration prevention layer provided thereon wherein the polymer material migration preventing layer is provided on the side of the polymer material-containing layer (4) that faces the adhesive layer (see column 11, lines 40-45).

Mikura et al. does not disclose that the method is used for a absorption type polarizing film. The examiner takes official notice of facts outside the record which are capable of instant and unquestionable demonstration as being "well-known" in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made utilize the method with a absorption type polarizing film since absorption type polarizing films are well known in the art and because the method of Mikura et al. would be applicable in absorption type polarizing films as well to allow for release of the separator layer.

In re claims 12 and 14, Mikura et al also discloses the method wherein the migration prevention layer is a silica film and is a silicone agent (see column 11, lines 40-45).

In re claim 19 Mikura et al. also disclose the method wherein the polymer material-containing layer is disposed directly on the migration preventing layer.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mikura et al. (U.S. Patent No. 5,880,800) in view of Kim et al. (U.S. Patent No. 6,153,272).

Mikura et al. discloses the polarizer substantially as claimed and rejected above, but does not disclose that the polymer layer is purified. Kim et al. discloses the method of forming a purified polymer layer (see column 8, lines 54-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the polymer layer of Asano of a purified polymer of Kim et al. in order to create a highly stable liquid crystal cell (see Kim et al. column 2, lines 13-32).

Allowable Subject Matter

Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-9, 15, 16, and 21-23 are allowed.

Response to Arguments

Applicant's arguments filed May 5, 2005 have been fully considered but they are not persuasive. Applicants argue that the passage referred to is a "silicon series releasing agent" and is not a polymer material migration preventing layer. However, Applicants teach in paragraph [0030] of the specification:

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Alternatively, the prevention of migration can be achieved by a system in which: a migration preventing layer made of a silica film, a metal oxide-deposited film, or the like, is provided on a polymer base material for forming separator; and **a surface coat made of a release agent such as a silicone release agent is provided on the migration preventing layer to thereby block the migration of the polymer base material components from the separator to the adhesive layer.**

(emphasis added).

The examiner notes that Applicants in the above passage teach that the release agent also prevents migration of the polymer.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer M. Kennedy whose telephone number is (571) 272-1672. The examiner can normally be reached on Mon.-Fri. 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael S. Lebentritt can be reached on (571) 272-1873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jmk


JENNIFER KENNEDY
PRIMARY EXAMINER